

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

BRIDGEPORT MUSIC, INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	NO. 3:05-0206
	)	
ESTATE OF CHRISTOPHER WALLACE,	)	Judge Campbell/Brown
a/k/a NOTORIOUS B.I.G., on	)	<b>Jury Demand</b>
behalf of BIG POPPA MUSIC, et al)	)	
	)	
Defendants.	)	
BAD BOY ENTERTAINMENT, INC.,	)	
d/b/a BAD BOY RECORDS,	)	
	)	
Third-party plaintiff,	)	
	)	
v.	)	
	)	
OSTEN S. HARVEY, JR.,	)	
	)	
Third-party defendant.	)	

**TO: The Honorable Todd J. Campbell**

**REPORT AND RECOMMENDATION**

**I. INTRODUCTION**

Presently pending before the Magistrate Judge are two motions for summary judgment (Docket Entry Nos. 46 and 101), which have been referred to the undersigned for a Report and Recommendation (Docket Entry Nos. 75 and 111).

Both motions are identical to motions filed in the case of Bridgeport Music, Inc., et al v. Estate of Christopher Wallace, et al., Case No. 3:05-0155.

The Magistrate Judge has prepared a full Report and Recommendation on the disposition of these motions in Case No. 3:05-0155 (Docket Entry No. 169).

The Magistrate Judge **adopts** the reasoning of that Report and Recommendation, and accordingly in this case, **recommends** that the first motion for summary judgment (Docket Entry No. 46) be **granted** in part and **denied** in part:

## II. RECOMMENDATION

Specifically, the Magistrate Judge **recommends** that summary judgment be **granted** as to Counts One, Four, Seven, and Eight, and **denied** as to Counts Three, Five, Six, and Nine. The Magistrate Judge further **recommends** that UMG's second motion for summary judgment (Docket Entry No. 101) be **denied**.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has ten (10) days from receipt of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have ten (10) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within ten (10) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985), reh'g denied, 474 U.S. 1111 (1986).

**ENTERED** this 24th day of January, 2006.

/s/ Joe B. Brown  
JOE B. BROWN  
United States Magistrate Judge